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In re Application of: SKOV-HANSEN, Peder : DECISION
U.S. Application No.: 10/089,614 :
PCT No.: PCT/DK00/00561 :
Int'l Filing Date: 06 October 2000 :
Priority Date: 06 October 1999 :
Attorney's Docket No.: 3876-0104P :
For: A METHOD OF :
MANUFACTURING AND USING :
A SUPERCONDUCTOR TAPE, :
ESPECIALLY WHEN SAID TAPE :
IS WOUND ON A COIL :
:

This decision is issued in response to applicant's "Request For Corrected Notice Of Acceptance" filed 18 November 2002. No petition fee is required.

BACKGROUND

On 06 October 2000, applicant filed international application PCT/DK00/00561 which claimed a priority date of 06 October 1999 and which designated the United States. On 12 April 2001, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB).

On 02 April 2002, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national.

On 20 May 2002, applicant filed a declaration executed by the inventor. This declaration did not include a reference to the foreign application claimed for priority in the international application.

On 10 July 2002, applicant filed a Supplemental Declaration that included a priority claim to the foreign priority application (Denmark application number PA 1999 01432, filed 06 October 1999).

On 22 July 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied on 20 May 2002. The Notification Of Acceptance did not indicate a priority date for the application.

On 18 November 2002, applicant submitted the correspondence considered herein. The Submission requests a corrected Notification Of Acceptance that properly identifies the 06 October 1999 priority date.

DISCUSSION

The priority claim to the Denmark application filed 06 October 1999 is contained on the published international application and is expressly set forth in the Supplemental Declaration filed by applicant on 10 July 2002. The present application file contains a copy of the priority application. Accordingly, the Notification Of Acceptance and filing receipt mailed herein should include a reference to this foreign priority claim. Issuance of a corrected Notification Of Acceptance and filing receipt is therefore appropriate.

It is noted that the inclusion of this priority claim in the Notification Of Acceptance and filing receipt does not represent a finding that applicant is entitled to the benefit of the foreign priority application. A determination regarding the validity of the priority claim will be made by the examiner during the examination process.

CONCLUSION

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 22 July 2002 and the filing receipt mailed herein are hereby **VACATED**.

Accompanying this decision are a corrected Notification Of Acceptance and filing receipt, both of which include the foreign priority claim.



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